

Message Text

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ACTION EB-07

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STATE FOR EB/CBA/BP WINTER

E.O. 11652: N/A

TAGS: BEXP

SUBJECT: TRADEMARKS: SUNKIST PROBLEM

REF: SEOUL 5454

1. PLEASE ADVISE DON A. HART, PATENT COUNSEL, SUNKIST GROWERS, INC., THAT IN RESPONSE TO HIS TELEX OF 20 JULY COMATT DISCUSSED PROBLEM WITH SUNKIST COUNSEL IN KOREA. THERE ARE A NUMBER OF PROBLEMS CONFRONTING THE SUNKIST-HAITAI VENTURE IN KOREA. SEOUL 5454 ADDRESSED ONLY THE TRADEMAKR USE QUESTION. CONTENT OF THIS MESSAGE WAS REVIEWED WITH SUNKIST'S COUNSEL WHO AGREES WITH MAIN THRUST OF REPORT. ONE TECHNICAL CORRECTION, WHERE MESSAGE DESCRIBES PATENT OFFICE REGISTRY OF MARK TO LOCAL USER, THE TERMINOLOGY SHOULD BE "REGISTER USE RIGHT TO LOCAL USER." WE UNDERSTAND THAT SUNKIST'S COUNSEL IN KOREA WILL RECOMMEND LETTING HAITAI USE SUNKIST LOGO DESPITE POSSIBLE RISK OF ABANDONMENT IF ROKG IS SILENT ON TRADEMARK USE QUESTION. IF IN CONTRAST ROKG TELLS HAITAI NOT TO USE SUNKIST LABEL LOCALLY, THEN HAITAI UNDOUBTEDLY WILL HAVE TO DEVELOP NEW LOGO AND NEW BOTTLES AND LABELS.

2. ONLY LIGHT DISCUSSION WAS HELD ON IMPORT LICENSE PROBLEM WHICH APPARENTLY NOW IS STAISFACTORILY RESOLVED IN THAT HAITAI WILL BE ABLE TO IMPORT SUNKIST CONCENTRATE FOR BLENDING WITH LOCALLY-PRODUCED CONCENTRATE.

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3. SUNKIST ALSO SHOULD BE AWARE THAT HAITAI REPORTS THAT SUNKIST'S FORMER EMPLOYEE, JASON KIM, NOW IS IN KOREA PROMOTING INTERESTS OF FLORIDA GROWERS.

4. ASSUME SUNKIST'S COUNSEL WILL REPORT DIRECTLY TO SUNKIST.
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